

STAFF REPORT

DATE: July 24, 2019

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T19SA00245

C10-19-11 BOWERS RESIDENCE DETACHED SLEEPING QUARTERS AND GARAGE / JEREMY BOWERS / 2331 EAST 8TH STREET / R-1

The applicant's property is an approximately 6,758 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. The applicant is proposing to construct a two-story detached accessory structure that consists of a garage on the first floor and sleeping quarters on the second floor.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow construction of the two-story detached accessory structure with a side perimeter yard setback reduced from 12'-10" to 7'-6" as measured to the west lot line.
- 2) Allow construction of the two-story detached accessory structure with a rear perimeter yard setback reduced from 13'-6" to 7' as measured to the north lot line.
- 3) Allow construction of the two-story detached accessory structure with a side perimeter yard setback reduced from 13'-6" to 5' as measured to the east lot line.
- 4) Allow the detached accessory structure to be constructed with a building height of 20'-6" as measured from design grade to the highest point of the flat roof and with a height of 18'-7" as measured from design grade to the midpoint of the pitched roof, which exceeds the 12' height limit.
- 5) Allow the combined total gross floor area (gfa) of all accessory structures (200 square feet or larger) to exceed 50% of the combined total gross floor area of the principal structure, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to the following:

Section 4.7.8 *Residence Zone (R-1)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides the use criteria in the R-1 zone;

Sections 6.3.4 *Dimensional Standards and Exceptions Tables*, 6.4.5 *Perimeter Yards* and Table 6.3-2.A *Dimensional Standards for the R-1, R-2, R-3, MH-1, & MH-*

2 Zones, which provides the dimensional standards applicable to all principal and accessory structures; and

Section 6.6.3 *Specifically Within Residential Zones*, which provides standards for accessory structures in a residential zone.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-1; (single-family residence)

North: Zoned R-1; (single-family residence)

South: Zoned R-1; (single-family residence)

East: Zoned R-1; (single-family residence)

West: Zoned R-1; (single-family residence)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department states the site is not within any mapped flood hazard area and is not within a balanced or critical basin watershed.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicant's property is an approximately 6,758 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. The applicant is proposing to construct a two-story detached accessory structure that consists of a garage on the first floor and sleeping quarters on the second floor. The project triggers compliance with the Tucson *Unified Development Code (UDC)*.

Detached Sleeping Quarters and Garage

Per *UDC* Sections 6.3.4, 6.4.5, and Table 6.3-2.A, based on a wall height of 19'-6", the required side perimeter yard setback for the detached sleeping quarters/garage is 12'-10" as measured to the west lot line. The applicant is requesting a variance to allow the side perimeter yard setback to be reduced to 7'-6". Based on a wall height of 20'-6", the required rear and side perimeter yard setback for the sleeping quarters/garage is 13'-6" as measured to the north and east lot lines. The applicant is requesting a variance to allow the rear and side perimeter yard setbacks to be reduced to 7' and 5' as measured to the north and east lot lines respectively.

Per *UDC* Section 6.6.3, detached accessory structures cannot exceed 12' in height. The applicant is requesting a variance to allow the building to be constructed with a height of 20'-6" as measured from design grade to the top of the flat roof and with a height of 18'-7" as measured from design grade to the midpoint of the pitched roof.

Per *UDC* Section 6.6.3, the total gross floor area (gfa) of all accessory structures (200 square feet or greater in size) cannot exceed 50% of the total gfa of the residence. The total gfa of the proposed structure is 1,589 square feet and the total gfa of the residence is 1,156 square feet. The applicant is requesting a variance to allow the structure to exceed 50% of the total gfa of the residence by 87%.

Discussion

The property is located in the Sam Hughes neighborhood that consists of properties developed with single-family residences and detached accessory structures. Based on the most recent available aerial photography, it appears many properties have structures in the rear yard that cover the majority of the yard space. The primary residence has two bedrooms. The applicant proposes to add a third bedroom, a garage with storage space and a laundry room while trying to maintain as much yard space as possible by building a detached two-story structure. Two-story buildings, either attached or detached from the primary residence do exist in the neighborhood.

The existing shed/garage at the northwest corner of the property will be removed to accommodate the proposed building. The applicant proposes to address privacy

concerns by limiting the type and number of windows on the second level facing adjacent properties.

The lots in the neighborhood are long and narrow and may present challenges for new development. However, the mass of the proposed project far exceeds the primary residence which is not consistent with the neighborhood. By adding a single-story addition at the rear of the residence, variances for the height, exceeding 50% of the residence, and possibly setbacks would be eliminated.

Conclusion

Although the applicant has demonstrated significant effort to address privacy concerns, the variances cannot be supported as there are options available such as removing the existing brick pavers and developing an addition at the rear of the residence that would eliminate the need for several of the variances requested.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated April 24, 2019 and the meeting sign-in sheet dated May 14, 2019.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff recommends denial of the requested variances.

It is staff's opinion that the requested variances for the detached accessory structure are not the minimum necessary to afford relief and the least modification possible of the UDC provisions which are in question.

Mark Castro, Lead Planner
for
Russlyn Wells, Zoning Administrator

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